

House Watch

A summary of today's House actions;
published daily when the House is in session.



12/11/07

FINAL PASSAGE

[SB 450](#)

(Basham)

Senate Bills 450 and 452 would amend Article 6 (Violations and Penalties) and Article 24 (Residential Builders) of the Occupational Code to do the following:

- Increase criminal penalties for a person who operated as a residential builder or a residential maintenance and alteration contractor without a license.
- Allow a prosecuting attorney and the attorney general to bring a civil action against a person not licensed under Article 24 for practicing without a license; and require the court to order a fine payable to the prosecuting attorney or the attorney general.
- Require the completion of a prelicensure course of study by applicants for an initial residential builder or contractor license.
- Establish continuing competency requirements for licensed builders and contractors.
- Allow a licensed builder or contractor to apply for inactive status.
- Require the Department of Labor and Economic Growth (DLEG) to issue three-year residential builder and contractor licenses.
- Require a licensed residential builder, as part of a contract, to provide information relating to his or her individual license and any qualifying officer license.
- Revise the time period to file a complaint against a licensed builder or contractor.
- Prohibit a person not licensed under Article 24 from imposing a lien on real property.
- Include aiding or abetting another person in the unlicensed practice of an occupation as a violation of the code subject to administrative sanctions.
- Provide that restitution would have to be required for any violation of the code.
- Allow DLEG, the attorney general, and a county prosecutor to use forfeiture as a remedy.

- Meisner-1 was adopted
- SB 450 was passed [RC 586: 100 yes, 5 no]
- IE was ordered [No RC]

SB 451**(Basham)**

Senate Bill 451 would amend the Revised Judicature Act to require a court to notify DLEG of the entry of a judgment for damages against a licensed residential builder for certain violations; and include a violation of the Occupational Code's licensure and registration requirement as a crime for purposes of the seizure and forfeiture of the proceeds of a crime.

- Meisner-1 was adopted
- SB 450 was passed [RC 587: 101 yes, 4 no]
- IE was ordered [No RC]

SB 452**(Cassis)**

See SB 450 description.

- Meisner-1 was adopted
- SB 452 was passed [RC 588: 88 yes, 17 no]
- IE was ordered [No RC]

SB 453**(Cassis)**

Senate Bill 453 would amend the State License Fee Act to do the following:

- Increase the per-year license fee for a builder or contractor from \$40 to \$60 for one license cycle, and prescribe a \$50 fee for subsequent years. (The fee is currently scheduled to fall to \$30 after September 30, 2007 without passage of the bill.)
- Create the "Builder Enforcement Fund" and require it to be used for the enforcement of Article 24 of the Occupation Code regarding unlicensed activity, and the prosecution of unlicensed practice.
- Make a one-time-only allocation to the Enforcement Fund of \$30 from the \$60 license fee received during a single three-year license cycle.
- Allocate to the Enforcement Fund \$5 of the \$50 license fee until the balance reached \$3 million, and reinstate the allocation when the balance fell below \$750,000.

- Meisner-1 was adopted
- SB 453 was passed [RC 589: 83 yes, 22 no]
- IE was ordered [No RC]

SB 386**(Patterson)**

The bill would prohibit, and classify as criminal sexual conduct, sexual penetration or sexual contact with a student by a school employee, contractual worker, volunteer, or government employee assigned to a school. The bill would also prohibit, and classify as third- and fourth-degree CSC, sexual penetration and sexual conduct with certain special education students by a

teacher, substitute teacher, school administrator, school employee, contractual worker, volunteer, or government employee assigned to the school.

- SB 386 was passed [RC 590: 104 yes, 0 no]
- IE was ordered [No RC]

SB 730

(Gleason)

The bill would replace references to a "handicapped person" found in the Revised School Code with the phrase "student with a disability."

- Committee substitute H-2 was not adopted
- Melton substitute H-3 was adopted
- SB 730 was adopted
- SB 730 was passed [RC 591: 104 yes, 0 no]
- IE was ordered [No RC]

SB 241

(Jacobs)

Senate Bill 241 would amend the Child Care Licensing Act (MCL 722.11, et al.) to, among other things define the term "children's therapeutic group home," put in statute requirements for operating such homes, and prohibit certain restraints or seclusion otherwise permitted under licensing rules from being used in such a home. The bill also would modify criminal history check requirements for adults residing in family day care home and group day care home, and revise definitions, including revisions to conform to new federal regulations.

- Committee substitute H-1 was adopted
- SB 241 advanced to 3rd Reading
- SB 241 was passed [RC 592: 104 yes, 0 no]
- IE was ordered [No RC]

SB 242

(Jacobs)

Senate Bill 242 would amend the Michigan Zoning Enabling Act to refer to a "family child care home" and a "group child care home," rather than a family day care home and a group day care home.

- SB 242 advanced to 3rd Reading
- SB 242 was passed [RC 593: 104 yes, 0 no]
- IE was ordered [No RC]

SB 243

(Jacobs)

Senate Bill 243 would amend the Code of Criminal Procedures to replace current references in the sentencing guidelines to family day care homes and group day care homes with "family child care home: and "group child care home."

- Clack substitute H-1 was adopted
- SB 243 advanced to 3rd Reading
- SB 243 was passed [RC 594: 104 yes, 0 no]
- IE was ordered [No RC]

SB 534

(Richardville)

The bill would amend the Brownfield Redevelopment Financing Act to revise the definitions of "eligible activities", "eligible property", and "blighted". Under the bill, "eligible activities" would include reasonable costs of developing and preparing brownfield plans and work plans, as well as reasonable costs of environmental insurance. The bill also would include certain demolition activities; lead or asbestos abatement; certain activities at a former mill located along a river that is a Federal Superfund site; and certain activities at a redevelopment site north of the 45th Parallel where at least \$250 million of new capital investment was made. The bill would revise the definition of "eligible property" to encompass property on which eligible activity could occur under the bill's expanded definition of "eligible activities", including property that was used for public purposes, as well as the purposes currently authorized under the act (commercial, industrial, or residential). "Blighted" refers to property that meets certain criteria indicating its non-use. The bill would include property that has substantial subsurface demolition debris buried on site so that the property is unfit for its intended use.

- SB 534 advanced to 3rd Reading
- SB 534 was passed [RC 595: 104 yes, 0 no]
- IE was ordered [No RC]

SB 539

(Sanborn)

The bill would amend the Brownfield Redevelopment Financing Act to require the Auditor General to conduct and report a performance post-audit on the effectiveness, efficiency, and economy of the brownfield redevelopment program, at least every three years beginning not later than June 30, 2008. Copies of the performance post-audits would have to be provided to the governor, the secretary of the Senate, the clerk of the House, and the chairpersons of the Senate and House standing committees on commerce and economic development. In addition, the act requires the State Tax Commission to collect the financial reports submitted annually by each brownfield development authority, compile and analyze the information in them, and submit annually a report based on that information to various standing committees of the legislature. The bill would require the reports from the authorities to include the amount of tax increment

revenue attributable to taxes levied for school operating purposes used for certain activities. The bill also would require the State Tax Commission to submit its annual report to the Senate committee responsible for economic development and the House committees responsible for commerce and economic development, in addition to the committees that currently must be given the report.

- SB 539 advanced to 3rd Reading
- SB 539 was passed [RC 596: 105 yes, 0 no]
- IE was ordered [No RC]

SB 59

(Gilbert)

Senate Bill 59 (Substitute H-3) would amend 1951 PA 51 by adding a new Section 9c. The bill would create two new groups: a Transportation Alternative Funding Task Force and a Citizen's Advisory Committee.

- Committee substitute H-3 was not adopted
- Hopgood-2 was not adopted
- Hopgood substitute H-5 was adopted
- SB 59 advanced to 3rd Reading
- SB 59 was passed [RC 597: 104 yes, 1 no]
- IE was ordered [No RC]

SB 455

(Richardville)

The bill would amend the Local Development Financing Act to expand the definition of "urban township".

- SB 455 advanced to 3rd Reading
- SB 455 was passed [RC 598: 76 yes, 28 no]
- IE was ordered [No RC]

HB 5511

(Clemente)

House Bill 5511 (as introduced) would amend the Michigan Business Tax to, among other things, increase brownfield development tax credits; modify the project review protocols of the Michigan Economic Growth Authority; and provide new definitions for the terms "eligible property" and "urban development area project." The bill would take effect January 1, 2008.

- Committee substitute H-1 was adopted
- HB 5511 advanced to 3rd Reading
- HB 5511 was passed [RC 599: 78 yes, 26 no]
- IE was ordered [No RC]

THIRD READING

[HB 4401](#)

(Tobocman)

The bill would create a presumption that certain types of cancers found in firefighters are job related, and therefore eligible for worker's compensation, under certain conditions.

- Steil-1 was not adopted
- Wenke-2 was not adopted
- Wenke-3 was not adopted
- Wenke-4 was not adopted
- Moss-5 was not adopted
- Wenke-6 was not adopted
- Tobocman-7 was adopted
- HB 4401 advanced to 3rd Reading
- Moss -1 was passed temporarily
- Pavlov-2 was passed temporarily
- HB 4401 was passed for the day